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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,736	10/29/2003	Eugene Joseph Pancheri	9400	7726
27752	7590	03/13/2006	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,736	PANCHERI ET AL.	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4, 6-11, 13-16, 18-19, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al (U. S. Pat. 5,980,583) in view of Roberts et al (U. S. Pat. 4,242,377).

Staub et al show a removable fabric treatment device and method of its use. The device 10 includes dryer apparatus 12, benefit composition, heater (Col. 7, line 26) for said benefit composition, nozzle 52, door 18, drum 14, container 60 and controls 20, 28 with heat sensors for the operation (col. 5, lines 1-63; col. 7, lines 24-30 and Figs. 1-5). The system shows by the Staub patent is same as the broadly claimed features. The fabrics treating system and method of Staub et al as above includes all that is recited in claims 1-4, 6-11, 13-16, 18-19, 21-25 except for the details of the heated benefit composition treatment. Roberts et al teaches forming and heating a fabric treatment composition by an in-situ reaction (Col. 10, lines 9-21). The reaction results in a highly effective heated composition treatment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fabric treating system and method of Staub et al with an in-situ reaction as taught by Roberts et al in order to improve heating efficiency. With regard to claims 6-10 and 19, the claimed numerical ranges and materials are deemed to be merely an obvious matter of choice in absence of new and unexpected results shown by the applicant. With regard to claim 25, no patentable

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weight was given for the claimed instruction because there is no functional relationship exists between the instructions and the exothermic composition.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al (U. S. Pat. 5,980,583) in view of Church (U. S. Pat. 4,891,890).

The fabrics treating system and method of Staub et al as above includes all that is recited in claim 12 except for the battery operated power source for fabric treatment device. Church teaches (Col. 3, lines 9-22 and Figs. 1-2) exactly this point same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Staub et al with a battery operated power source of Church in order to provide continuity of operation when power fails. This is a common practice to use battery power in our daily routines.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al (U. S. Pat. 5,980,583) in view of Horton (U. S. Pat. 4,207,683).

The fabrics treating system and method of Staub et al as above includes all that is recited in claim 20 except for heating coil as a heating source for fabric treatment device. Horton teaches the use of heating coil as a heat source for fabric treatment device (Col. 2, lines 49-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Staub et al with a heating coil as a heat source as taught by Horton in order to provide efficient heating. This is a common practice in radiant heating.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al (U. S. Pat. 5,980,583) in view of Roberts et al (U. S. Pat. 4,242,377) as applied to claim 23 above, and further in view of Furgal et al (U. S. Pat. 4,014,105).

The fabrics treating system and method of Staub et al as modified by Roberts et al. as above includes all that is recited in claim 25 except for the use of instruction. Furgal teaches a similar fabric treatment apparatus with the instructions (Col. 4, lines 37-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Staub et al with an use instruction as taught by Furgal in order to provide efficient assembly and operation manual. To provide instruction manual is a common practice in today's appliances. Moreover, any printed matter is generally not given any patentable weight.

Response to Arguments

6. Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive to overcome the rejection. First claims presented failed to define over the prior art references. For example the broadest claims 1, 11, 21 and 22, merely call for heating the benefit composition by exothermic reaction in a dryer appliance. The Staub patent clearly shows the claimed heating feature (see col. 7, line 25-29). It should be noted that anything in the drum, including the benefit composition, is also heated by the heat source of the dryer. Second, with regard to the rejected under 103, the primary prior art patent to Staub shows the same concept as the broadly claimed. The secondary references merely show the conventional features that the applicant deems to be his invention, e.g. exothermal reaction, battery power source, optimal temperatures, numerical ranges, instructions, etc. Therefore, it is the examiner's position that the combined teachings of the prior art references, one skilled in the art would be able to derive the broadly claimed conventional features. Third, it is noted that the applicant has failed to rebut the examiner's holding of obvious matter of design choice regarding the rejection of claims 6-10 and

19. The rejection of claims 6-10 and 19 based on the obvious matter of design choice was maintained since the first action mailed on June 9, 2004. Therefore, it is deemed to be an admission. No further comments are necessary. Fourth, with regard to the claimed printed matter (e.g. non-verbal instruction) in claims 24 and 25, it is deemed to be unpatentable subject matter without given any patentable weight or deemed to be obvious as shown by the patent to Furgal et al USP. 4014105.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

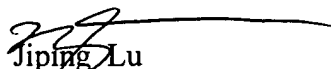
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.